

say, some portion of the executive branch for the executive branch. So as used in this article, the 'rule' is the rule of the Court of Appeals.

THE PRESIDENT: Delegate Willoner.

DELEGATE WILLONER: I know we have used the word "rule" or "law" in other sections of the Constitution, meaning the rule of the Court of Appeals. That was the intention when it was discussed.

DELEGATE PENNIMAN: Our intention under those circumstances would be to make clear that it is a rule of the Court of Appeals. That was the intention when it was discussed.

DELEGATE PENNIMAN: Our intention under those circumstances would be to make clear that it is a rule of the Court of Appeals just as we seek to make clear a law whether it is by law of the General Assembly, or by the General Assembly by law.

THE PRESIDENT: Delegate Willoner.

DELEGATE WILLONER: By rule it makes clear that it is a rule of the Court of Appeals?

DELEGATE PENNIMAN: No.

DELEGATE WILLONER: In dealing with personal rights and the preamble, it is by rule of court of law, and it has been approved by your Committee in that way. I was wondering if you meant it could be some other rule.

THE PRESIDENT: Delegate Penniman.

DELEGATE PENNIMAN: Could Delegate Marion answer?

THE PRESIDENT: Delegate Marion.

DELEGATE MARION: I would point out one reason we did that was that in the legislative branch article there are provisions for the rules of the legislature, and in that context it does not mean a rule prescribed by the Court of Appeals, but it means the internal rules of the General Assembly, or each house thereof. One instance of that is section 3.17(a), which was adopted by the Committee of the Whole where it says, "The General Assembly shall provide by rule that each House shall keep a current daily journal", and so forth.

THE PRESIDENT: Delegate Willoner.

DELEGATE WILLONER: I had two questions that I would like to ask Chairman Mudd.

THE PRESIDENT: You may.

DELEGATE WILLONER: In using the language in section 5.24 that each judge shall be compensated solely by the State for his judicial service and permitting the Committee on Style to strike out the language "or receive any remuneration for his judicial service except as provided herein" in section 5.25, you did not mean to overrule the case of *Bradford v. Jones*? This case provided that Article 33 of the present Constitution prohibited fees and perquisites in that a judge could not receive special compensation or gratuities for particular services.

THE PRESIDENT: Delegate Mudd.

DELEGATE MUDD: The first part of your question was directed to which section, Delegate Willoner?

THE PRESIDENT: Delegate Willoner.

DELEGATE WILLONER: The whole question goes to section 5.24, that each judge shall be compensated solely by the State. The Committee on Style struck out the language in section 5.25 that a judge cannot receive any remuneration for his judicial services except as provided herein.

The intent of that language is to carry over the prohibition that appears in Article 33 of the present Declaration of Rights. Is that not true?

DELEGATE MUDD: I do not recall that being specifically discussed in Committee, but I think it was clear from our discussion that this was to be the sole compensation of judges, yes.

THE PRESIDENT: Delegate Willoner.

DELEGATE WILLONER: And a judge would not be entitled to receive any compensation or gratuities for any particular judicial service rendered for a citizen?

THE PRESIDENT: Delegate Mudd.

DELEGATE MUDD: Yes, that is my interpretation.

THE PRESIDENT: Delegate Willoner.

DELEGATE WILLONER: In section 5.01, is the phrase "is vested exclusively" not meant to prohibit quasi-judicial functions of agencies in the non-judicial branches? The words "shall be" refers to the future. Does this mean that the quasi-judicial functions cannot be handled by quasi-judicial bodies, or does this get into the problems that were raised with the separation of powers discussion?